

Attorney Docket No.: 13877-61931

## DECLARATION AND POWER OF ATTORNEY - PATENT APPLICATION

As a below named inventor, I hereby declare that I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought in the application entitled:

SPACER ASSEMBLY FOR USE IN SPINAL SURGERIES, the  
specification of which

(check one)

☒ is attached hereto☐ was filed on \_\_\_\_\_ as

United States Application Serial No. \_\_\_\_\_ or

PCT International Application No. \_\_\_\_\_

and was amended on \_\_\_\_\_

(if applicable)

I hereby declare that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate on which priority is claimed (as listed below) and I have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	_____	_____
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

<u>60/068,060</u>	<u>Dec. 23, 1997</u>
Application Number	Filing Date

_____	_____
Application Number	Filing Date

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(b) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status-patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status-patented, pending, abandoned)

I hereby appoint William R. Coffey, Reg. No. 24023; Jerry E. Hyland, Reg. No. 20904; Richard D. Conard, Reg. No. 27321; Steven R. Lammert, Reg. No. 27653; Richard A. Rezek, Reg. No. 30796; Timothy E. Niednagel, Reg. No. 33266; John P. Breen, Reg. No. 38833; Jill L. Werling, Reg. No. 39874; Nancy J. Harrison, Reg. No. 27083; R. Trevor Carter, Reg. No. 40549;

Dilip A. Kulkarni, Reg. No. 27510; Michael M. Barry, Reg. No. 41601; Jill T. Powlick, Reg. No. 42088; David B. Quick, Reg. No. 31993; Perry Palian, Reg. No. 26213; Mark M. Newman, Reg. No. 31472; Bobby B. Gillenwater, Reg. No. 31105; Paul B. Hunt, Reg. No. 37154; Michael S. Gzybowski, Reg. No. 32316; Gerard T. Gallagher, Reg. No. 39679; and Robert D. Null, Reg. No. 40745, as attorneys of record with full power of substitution and revocation, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith, and I specify that communications regarding the application be directed to:

**BARNES & THORNBURG**  
11 South Meridian Street  
Indianapolis, Indiana 46204  
Telephone (317) 236-1313

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

00555507

<u>Thomas S. Camino</u> Full Name of Sole or First Joint Inventor	<u>USA</u> Country of Citizenship
<u>Thomas S. Camino</u> Inventor's Signature	<u>2/26/99</u> Date
<u>7037 MacArthur Way 238 S. 250 E.</u> <u>Ellettsville, IN 46124-7018</u> Residence and Post Office Address	<u>USA</u> Country of Citizenship
<u>John D. Malone</u> Full Name of Second Joint Inventor, if any	<u>USA</u> Country of Citizenship
<u>26700 Alsace Court #306</u> <u>Beachwood, Ohio 44122</u> Residence and Post Office Address	<u>USA</u> Country of Citizenship
<u>Full Name of Third Joint Inventor, if any</u>	<u>Country of Citizenship</u>
<u>Third Inventor's Signature</u>	<u>Date</u>
<u>Residence and Post Office Address</u>	<u>Country of Citizenship</u>
<u>Full Name of Fourth Joint Inventor, if any</u>	<u>Country of Citizenship</u>
<u>Fourth Inventor's Signature</u>	<u>Date</u>
<u>Residence and Post Office Address</u>	

Additional inventors to be similarly identified on attached sheet.

Attorney Docket No.: 13877-61931

## DECLARATION AND POWER OF ATTORNEY - PATENT APPLICATION

As a below named inventor, I hereby declare that I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought in the application entitled:

SPACER ASSEMBLY FOR USE IN SPINAL SURGERIES, the  
specification of which  
(check one) ☒ is attached hereto  
☐ was filed on \_\_\_\_\_ as  
United States Application Serial No. \_\_\_\_\_ or  
PCT International Application No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby declare that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate on which priority is claimed (as listed below) and I have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	_____	_____
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

<u>60/068,060</u>	<u>Dec. 23, 1997</u>
Application Number	Filing Date
_____	_____
Application Number	Filing Date

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(b) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status-patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status-patented, pending, abandoned)

I hereby appoint William R. Coffey, Reg. No. 24023; Jerry E. Hyland, Reg. No. 20904; Richard D. Conard, Reg. No. 27321; Steven R. Lammert, Reg. No. 27653; Richard A. Rezek, Reg. No. 30796; Timothy E. Niednagel, Reg. No. 33266; John P. Breen, Reg. No. 38833; Jill L. Werling, Reg. No. 39874; Nancy J. Harrison, Reg. No. 27083; R. Trevor Carter, Reg. No. 40549;

Dilip A. Kulkarni, Reg. No. 27510; Michael M. Barry, Reg. No. 41601; Jill T. Powlick, Reg. No. 42088; David B. Quick, Reg. No. 31993; Perry Palan, Reg. No. 26213; Mark M. Newman, Reg. No. 31472; Bobby B. Gillenwater, Reg. No. 31105; Paul B. Hunt, Reg. No. 37154; Michael S. Gzybowski, Reg. No. 32316; Gerard T. Gallagher, Reg. No. 39679; and Robert D. Null, Reg. No. 40746, as attorneys of record with full power of substitution and revocation, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith, and I specify that communications regarding the application be directed to:

BARNES & THORNBURG  
11 South Meridian Street  
Indianapolis, Indiana 46204  
Telephone (317) 236-1313

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Thomas S. Camino  
Full Name of Sole or First Joint Inventor

USA  
Country of Citizenship

Inventor's Signature

Date

7037 MacBeth Way

Eldersburg MD 21784-5918  
Residence and Post Office Address

John D. Malone  
Full Name of Second Joint Inventor, if any

USA  
Country of Citizenship

John D. Malone  
Second Inventor's Signature

2-8-99  
Date

26700 Alsace Court #306

Beachwood, Ohio 44122  
Residence and Post Office Address

Full Name of Third Joint Inventor, if any

Country of Citizenship

Third Inventor's Signature

Date

Residence and Post Office Address

Full Name of Fourth Joint Inventor, if any

Country of Citizenship

Fourth Inventor's Signature

Date

Residence and Post Office Address

Additional inventors to be similarly identified on attached sheet.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: **Camino et al.**  
Serial No: **09/591,530**  
Filed: **June 9, 2000**  
For: **Spacer Assembly for Use in Spinal Surgeries having  
End Cap which includes Serrated Surface**  
Group Art Unit: **3732**  
Examiner: **M. Priddy**  
J & J Reference: **DEP-460**  
Attorney Docket No: **1672-0076**

**ASSOCIATE POWER OF ATTORNEY AND  
CHANGE OF CORRESPONDENCE ADDRESS**

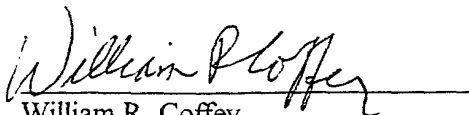
Please recognize the following attorneys of the law firm of MAGINOT, ADDISON & MOORE, Bank One Center/Tower, 111 Monument Circle, Suite 3000, Indianapolis, Indiana 46204-5115 as associate attorneys in the above-mentioned application, with full power to prosecute said application, to make alterations and amendments therein, and to conduct all business in the Patent and Trademark Office connected therewith.

Paul J. Maginot, Registration No. 34,984  
Bradford G. Addison, Registration No. 41,486  
Harold C. Moore, Registration No. 37,982  
Bruce J. Bowman, Registration No. 35,458  
David M. Lockman, Registration No. 34,214  
Jeffrey D. Carter, Registration No. 37,795

Please direct all telephone calls and written correspondence in this application to:

Paul J. Maginot  
MAGINOT, ADDISON & MOORE  
Bank One Center/Tower  
111 Monument Circle, Suite 3000  
Indianapolis, Indiana 46204-5115  
Phone: (317) 638-2922  
Fax: (317) 638-2139

Date: Oct 12, 2001  
Barnes & Thornburg  
1313 Merchants Bank Building  
11 South Meridian Street  
Indianapolis, Indiana 46204

  
William R. Coffey  
Registration No. 24,023